

REGULATION 5 OPEN BURNING

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REGULATION 5 OPEN BURNING

5-100 GENERAL

5-101 Description: This Regulation forbids open burning within the District with certain exceptions. (Amended November 2, 1994)

5-110 Exemptions: The following fires are exempt from this Regulation:

- 110.1 Fires set only for cooking of food for human beings. Fires set for recreational purposes using only clean dry wood or charcoal, and a small amount of firestarter.
- 110.2 Fires burning as safety flares or for the combustion of waste gases.
- 110.3 The use of flame cultivation when the burning is performed with LPG or natural gas-fired burners designed and used to kill seedling grass and weeds ~~in orchards, vineyards and field crops~~ and the growth is such that the combustion will not continue without the burner.
- 110.4 Fires set for the purposes of fire training using one gallon or less of flammable liquid per fire. (Amended December 19, 1990; November 2, 1994)

5-111 Conditional Exemptions: The following special conditions must be met for fires allowed by Subsections 401.1 through 401.18 unless specifically exempted, altered or further restricted in that Subsection, and shall be complied with during any burning permitted under those Subsections. In addition, a condition, requirement, or parameter stated in or imposed by a prescribed burn plan approved by the APCO may supersede any one of these conditions.

- 111.1 No burning shall take place before 10:00 a.m. local time on any day ~~sunrise~~.
- 111.2 No additional materials or fuel shall be ignited nor shall any material or fuels be added to ~~or be burned by any existing fire or visible advancing flames,~~ after two hours before sunset ~~on any day~~.
- 111.3 No material or fuel shall be ignited, nor shall any material or fuel be added to any fire when the wind velocity is less than five (5) miles per hour except for crossfiring, or when the wind direction at the site shall be such that the direction of smoke drift is toward a populated area in order to minimize local nuisances caused by smoke and particulate fallouts. ~~Upon notification of three or more confirmed complaints by a District inspector, a person shall attempt to cease the burning activity that day.~~
- 111.4 Prior to ignition, all piled material shall have dried for a minimum of 60 days, prior to ignition, and all tree trunks and stumps must be cut or split into sections small enough to ensure that burning the material does not produce smoke after sunset on any day.
- 111.5 All material to be burned shall be reasonably free of dirt or soil.
- 111.6 Piled material shall be limited to a base area not to exceed 25 square yards and the height shall be at least 2/3 of the average width of the pile.
- 111.7 Ignition material shall be limited to those listed by the State Director of Forestry, as follows: orchard torches; drip torches; pressurized diesel torches; propane or LPG torches; commercial petroleum gel materials, pressurized or solid (napalm or blivets); commercial safety fuses; commercial type ignition grenades, e.g. Fenner, etc.; fuses; commercial fuse lighters and matches. All fires shall be ignited so as to burn as rapidly as possible within conditions of safety and minimum pollution.
- 111.8 Ignition shall be initiated at or near the top of the piled material. No additional material, except ignition material, shall be added to the fire.
- 111.9 Tonnage, volume or acreage of material burned on any given day and/or at any specified site is subject to limitations set by the APCO, but may not exceed any limits set by the ARB.

(Amended December 19, 1990; November 2, 1994)

5-200 DEFINITIONS

- 5-201 Agricultural Fire:** A fire used for the purpose of initiating, continuing or maintaining agriculture as a gainful occupation. Fuels are limited to materials grown on the site and shall not include feed or fertilizer containers, finished or treated wood, plastic or rubber products, plumage, hides, fur, offal or fecal material or refuse from plant or animal processing other than from initial crop harvesting, pruning or attrition of ~~forest~~, fruit and nut trees, vines and cane crops. (Amended November 2, 1994)
- 5-202 Fire:** Any combustion of combustible materials of any type outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.
- 5-203 Flue:** Any duct or passages for air, gases, or the like, such as a stack or chimney.
- 5-204 Gainful Occupation:** Any occupation from which there is proof of gross profit or loss as evidenced by tax receipts, sales slips or other such documents.
- 5-205 Deleted December 19, 1990**
- 5-206 Permissive Burn Day:** Any day that is so declared by the APCO when, in his opinion, air pollution caused by open burning will not adversely affect ambient air quality or downwind population. In declaring such permissive burn days, the meteorological criteria established by the ARB for the San Francisco Bay Area Air Basin shall be used as a guideline. (Amended November 2, 1994)
- 5-207 Treated Brush:** Material which has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicide.
- 5-208 Hazardous Material:** For purposes of this Regulation, any combustible or flammable material which may pose a fire or explosion hazard including but not limited to, natural vegetation or other native growth cleared away to create or maintain a firebreak around any building or structure on a property as required to comply with Section 4291 of the State Public Resources Code to reduce the risk of a wildfire. ~~This term does not apply to waste propellants, explosives, pyrotechnics and their associated contaminated wastes regulated under subsection 5-401.14.~~
(Adopted March 17, 1982; Amended December 19, 1990; November 2, 1994)
- 5-209 Public Fire Official:** An officer of a public agency charged with the responsibilities of setting or allowing fires. Public fire official includes but is not limited to, local, state, and federal officers. (Adopted December 19, 1990)
- 5-210 Contraband:** Any illegal or prohibited good that has been confiscated by a public law enforcement agency, including but not limited to explosives, pyrotechnics and illegal drugs. (Adopted December 19, 1990; Amended November 2, 1994)
- 5-211 Contaminated Waste:** ~~For the purposes of this regulation, material which becomes contaminated during the manufacture of propellants, explosives and pyrotechnics, including but not limited to articles of clothing, plastic implements and sheeting.~~
(Adopted December 19, 1990)
- 5-212 Stubble:** The remaining stalk, stem, or trunk of a herbaceous plant or cereal grass (primarily oats, wheat and hay) after harvest of a field crop.
(Adopted November 2, 1994)
- 5-213 Prescribed Burning:** The planned, controlled application of fire to vegetation to achieve a specific natural resource management objective(s) on land areas selected in advance of that application. The fire is conducted within the limits of a burn plan and prescription that describes both the acceptable range of weather, moisture, fuel, and fire behavior parameters to achieve the desired effects. For the purposes of this regulation, prescribed burning also means any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code section 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land. These specific fire types shall be regulated as Wildland Vegetation Management fires and subjected to all of the requirements applicable to Subsection 5-401.15. In addition, prescribed burning includes any naturally-ignited wildland fire

managed for resource benefits that is subject to the applicable requirements in Section 5-408.

(Adopted November 2, 1994)

5-214 Backfiring: A field crop burn ignition technique where the fire is ignited at the downwind side of the burn area, so that the fire must burn into the wind towards the fuel source.

(Adopted November 2, 1994)

5-215 Stripfiring: A field crop burn ignition technique where the fire is ignited in parallel strips by walking straight through the burn area into the wind.

(Adopted November 2, 1994)

5-216 'X' or Crossfiring: A field crop burn ignition technique where the fire is ignited in two semi-circle arch patterns that almost intersect in the middle of the burn area. The first fire is lit by walking into the wind from the downwind side. The second fire is lit by walking with the wind from the headwind side of the field. This technique is used during light (less than five miles per hour) and variable winds only.

(Adopted November 2, 1994)

5-217 Property: A single parcel of real property, as determined by the County Assessor. The term also includes contiguous parcels under the same ownership.

(Adopted November 2, 1994)

5-218 APCO: The Air Pollution Control Officer of the Bay Area Air Quality Management District or the designee thereof.

(Adopted November 2, 1994)

5-219 ARB: The Air Resources Board of the State of California.

(Adopted November 2, 1994)

5-220 District: The Bay Area Air Quality Management District. (Adopted November 2, 1994)

5-221 Forest: A vegetation type or plant community covering a tract of land, which is named and described as a series, habitat or unique stand according to the California Native Plant Society (CNPS) classification system set forth in the most current edition of *A Manual of California Vegetation* published by CNPS, and dominated by trees growing more or less closely together. For the purposes of this regulation, the dominant vegetation form must be described as a broadleaf deciduous, broadleaf evergreen, conifer, or mixed broadleaf-conifer forest. Forest does not include chaparral, scrub and grassland communities, or the eucalyptus series, as these vegetation types are described in the CNPS classification system.

5-222 Marshland: A type of wetland ecosystem periodically or permanently inundated to a depth of up to 2 meters (6.6 feet) that supports a cover of low or tall emergent vegetation. Habitats within these water-land areas include diked, seasonally managed wetlands, unmanaged tidal wetlands, open bays, sloughs, and associated upland grasslands.

5-300 STANDARDS

5-301 Prohibition of Fires: Except as provided in this regulation:

301.1 A person shall not ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any fires within the District.

301.2 No burning shall take place within the District on other than a permissive burn day, or in excess of any acreage burning allocation or limitation.

301.3 A person shall not violate any condition, requirement, or parameter stated in or imposed by a prescribed burn plan or smoke management plan approved by the APCO, or any special condition or administrative requirement in this regulation.

(Amended November 2, 1994)

5-400 ADMINISTRATIVE REQUIREMENTS

5-401 Allowable Fires: The following fires may be allowed on permissive burn days:

401.1 Disease and Pest: Agricultural fires set for the purpose of disease and pest prevention. The fire must be set or allowed by the Agricultural Commissioner

of the County in the performance of official duty. Prior reporting pursuant to Section 5-406 must be made to the APCO, by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.2 Crop Replacement: Agricultural fires set for the purpose of establishing an agricultural crop in a location ~~that which~~ formerly contained another type of agricultural crop or on previously uncultivated land ~~natural growth~~. The fire must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary for the crop replacement to proceed. Fires are limited to a period beginning October 1 and ending April 30; however, upon the determination of the APCO that heavy winter rainfall has prevented such burning, the burn period may be extended to no later than June 30. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.3 Orchard Pruning and Attrition: Agricultural fires set for the purpose of disposal of periodic prunings and attrition losses from fruit trees, nut trees, vineyards and cane fruits. Fires must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the growing of the fruit trees, vineyards and cane fruits as a gainful occupation. Fires are limited to a period beginning November 1 and ending April 30; however, upon the determination of the APCO that heavy winter rainfall has prevented such burning, the burn period may be extended to no later than June 30. When pruning is performed between February 15 and April 30 for integrated pest management purposes, the following minimum drying time periods shall apply: trees and branches over six inches in diameter: 30 days; for grape vines and branches less than or equal to six inches in diameter: 15 days. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended March 15, 1981; December 19, 1990; November 2, 1994)

- 401.4 Double Cropping Stubble: Agricultural fires set for the purpose of disposal of grain stubble from agricultural land from which both grain and vegetable crops are harvested during the same calendar year. Fires must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must be necessary to remove the grain stubble and straw before a field vegetable crop can be planted. All material to be burned shall be free of visible surface moisture. No fires shall take place before 10:00 a.m. local time on any day. Fires are limited to a period beginning June 1 and ending August 31. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.5 Stubble: Agricultural fires set for the purpose of disposal of stubble and straw. Fires must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the growing of field crops as a gainful occupation. Fire ignition techniques shall be limited to backfiring, stripfiring, and 'X' or crossfiring unless an alternate technique is approved by the APCO in writing where a specific field condition is determined not to lend itself to these techniques in a given year. All material to be burned shall be free of visible surface moisture. After 0.15 inches or more rainfall, the material must pass the "crackle" test pursuant to Section 5-601 prior to burning. No fires shall take place before 10:00 a.m. local time on any day. Fires are limited to a period beginning September 1 and ending December 31. Outside of Sonoma County, no more than 100 acres of any property shall be burned in a single day. Within Sonoma County, no person shall conduct a burn without receiving an prior acreage burning allocation from the APCO and no more than 500 acres total of all properties shall be burned in a single day. In addition, no more than

100 acres of any property shall be burned in a single day. If by 12:00 p.m. local time the daily 500 acre burn acreage limitation has not been allocated, up to 200 acres of any property may be burned in a single day provided :

- a. the additional acreage burning allocation has been approved verbally by the APCO; and
- b. no more than two fields exceeding 100 acres total are burned simultaneously on the same property.

(Amended December 19, 1990; November 2, 1994)

- 401.6 Hazardous Material: Any fires set for the purpose of the prevention or reduction of a fire hazard, including the disposal of dangerous materials. The fires must be set or allowed by any public fire official having jurisdiction, in the performance of official duty. The fire must, in the opinion of such officer, be necessary, and the fire hazard not able to be abated by any other means. However, these fires may also be conducted to dispose of materials generated to comply with an order or notice issued by an fire official pursuant to with Section 4291 of the State Public Resources Code provided all of the following conditions are satisfied:

- a. only natural vegetation or other native growth may be burned;
- b. the amount of material to be burned shall be greater than 5 cubic yards cleared annually from a single property;
- c. the material is burned where it was grown without being moved to a different location unless approved by the APCO;
- d. the material is inaccessible for removal by vehicle and available alternatives to burning such as shredding, chipping, composting, disking, plowing, and harrowing are not feasible; and
- e. the material, if ignited accidentally, would result in a fire of such magnitude as to immediately threaten life or adjacent improved property or resources and require an excessive fire suppression effort.

No fires involving piled material shall be ignited or take place before 9:30 a.m. local time on any day. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.7 Fire Training: Fires set for the exclusive purpose of instruction of either public or industrial employees in fire fighting methods. The fire must be set or allowed by the public fire official ~~er~~ having jurisdiction, in the performance of official duty, and must be, in his opinion, necessary. Notwithstanding contrary provisions of Section 5-111, a fire fighting agency may set one fire per quarter calendar year for the purpose of training volunteer or seasonal fire fighters. This may be done on other than a permissive burn day if the APCO is notified in writing or facsimile at least two weeks in advance. Fires may be conducted outside of the burn hour limits in Subsections 5-111.1 and 111.2 if the APCO is notified in writing or facsimile at least seven calendar days in advance. Prior reporting pursuant to Section 5-406 must also be made to the APCO for other fire training by the person setting the fire. ~~At least one wall and the floor of the structure must remain after the completion of any structural fire training burn.~~

(Amended December 19, 1990; November 2, 1994)

- 401.8 Flood Debris: Agricultural fFires set for the purpose of removing wood and vegetation debris deposited by flood waters. The fire must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary for the continuing or maintaining of agriculture as a gainful occupation. Fires are limited to a period beginning October 1 and ending May 31. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.9 Irrigation Ditches: Agricultural fFires set for the purpose of controlling growth of vegetation in irrigation ditches and canals. The fire must be set or allowed

by a public fire official having jurisdiction, in the performance of official duty, and must, in the opinion of such officer, be necessary to avoid interference with water flow or drainage into irrigated land. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.10 Flood Control: Fires set for the purpose of disposal of material which is lying or growing within natural channels or flood control channels. The fire must be set or allowed by a public official in charge of flood control activities. The fire must, in the opinion of such official, be a necessary incident to the clearing and maintenance of water courses and flood control channels for preventing or eliminating a flood hazard. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.11 Range Management: Fires set for the purpose of range management and grazing. The fire must be set or allowed by the State Director of Forestry, or public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the grazing of animals as a gainful occupation. Brush to be burned shall be treated at least six months prior to burn if determined to be technically feasible by the State Director of Forestry or public fire official. Unwanted trees over 6 inches in diameter shall be felled prior to burn and dried for a minimum of six months. Feasibility shall be subject to the approval of the APCO. Subsections 5-111.1 and 5-111.6 may be waived by the State Director of Forestry or fire official when determined necessary in the public interest. Fires are limited to a period beginning July 1 and ending April 30. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.12 Forest Management: Fires set for the purpose of removing forest debris and for forest management. The fire must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must, in his opinion, be necessary. Subsections 5-111.1 and 5-111.6 may be waived by the fire official when deemed necessary in the public interest. All materials shall be piled or windrowed unless deemed poor practice by the fire official. Fires are limited to a period beginning November 1 and ending April 30. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended December 19, 1990; November 2, 1994)

- 401.13 ~~Marsh~~^{Wildlife} Management: Fires set for the purpose of improvement of ~~lowland and marshland~~ for wildlife and game habitat. The fire must be declared necessary by the California Department of Fish and Game. No such fire may be allowed on a given piece of land more than once in any 2 year period. The California Department of Fish and Game shall provide the APCO such information as may be deemed necessary by the APCO to verify the necessity of each burn and land area burning frequencies. Any person seeking to set fires under this provision shall also comply with the requirements of Section 5-410 and receive written APCO approval of the smoke management plan prior to any burn. No fires or ignition of fires shall take place before 10:00 a.m. or after 3:00 p.m. local time, nor shall fires ~~take place or any material be added to or be burned by an existing fire or visible advancing flames~~ after 3:00 p.m. local time on any day. Fires are limited to a Spring burning period beginning February 1 and ending March 31, and a Fall burning period beginning September 1 and ending October 15; however, upon the determination of the APCO in consultation with the California Department of Fish and Game and the Solano County Mosquito Abatement District, that heavy winter rainfall has prevented such burning, the burn period beginning February 1 and ending March 31 may be extended to no later than June 30. Outside of the Suisun Resource Conservation District

(SRCD), no person shall conduct a burn without receiving an acreage burning allocation from the APCO and no more than 100 acres of any property shall be burned in a single day. For fires conducted within the boundaries of the SRCD:

- a. no person shall conduct a burn without receiving an prior-acreage burning allocation from the APCO Solano County Sheriffs' Dispatch;
- b. during the Fall burning period, total daily acreage to be burned shall be determined by the APCO, but in no case shall the total acreage burning allocation exceed 300 acres/day during in the Fall burning period and 600 acres/day during in the Spring burning period. In addition, no more than 100 acres of any property and no more than 100 acres of all properties designated by the same SRCD hundred-series ownerships shall be burned in a single day during the Fall or Spring burning period.;
- c. during the Spring burning period, no more than 600 acres total of all properties shall be burned in a single day.

(Amended March 15, 1981; May 20, 1981; August 3, 1983; November 2, 1994)

~~401.14 Waste Propellants, Explosives and Pyrotechnics: Until January 1, 1997, fires set for the purpose of disposing of waste propellants, explosives, or pyrotechnics including associated contaminated wastes generated at manufacturing facilities shall be allowed. The fires must be set or allowed by the public fire official having jurisdiction, in the performance of official duty. The fires must be necessary and the waste not able to be disposed of by any means other than open burning. No material shall be imported from off-site for disposal. The total combined amount of waste material burned per facility shall not exceed 24,000 pounds (12 tons) in calendar year 1995 and 20,000 pounds (10 tons) in calendar year 1996. In addition, the total combined amount of waste material burned per facility shall not exceed 6,000 pounds per day (3 tons/day). Any person seeking to set fires under this provision shall also comply with the requirements of Section 5-405. If the requirements of subsection 5-405.4 are not satisfied, such fires shall be prohibited as of January 1, 1996. (Adopted December 19, 1990; Amended November 2, 1994)~~

~~401.145 Contraband: Fires set for the purpose of disposing of contraband. The fire must be set or allowed by any peace officer or public fire official, in the performance of official duty. The fire must, in the opinion of such officer, be necessary and the material not be able to be disposed of by any other means. Prior reporting must be made to the APCO by the person setting the fire pursuant to Section 5-406.~~

(Adopted December 19, 1990; Amended November 2, 1994)

~~401.156 Wildland Vegetation Management: Prescribed burning by a state or federal agency, or through a cooperative agreement or contract involving the state or federal agency, conducted on land predominately covered with chaparral, trees, grass, coastal scrub, or standing brush. Any person seeking to set fires under this provision shall comply with the requirements of Section 5-408 and receive written approval of the prescribed burn plan by the APCO ~~in writing~~ prior to any burn. Until, June 1, 2002, tThis fire may be ~~done~~ conducted on other than a permissive burn day, as defined in Section 5-206, if approved by the APCO pursuant to subsection 5-408.2. Effective June 1, 2002, fires may not be conducted on other than a permissive burn day.~~

(Adopted November 2, 1994)

~~401.167 Filmmaking: Fires set as part of commercial film or video production activities for motion pictures and television. The fire shall be set or allowed by the public fire official having jurisdiction, in the performance of official duty. Any person seeking to set fires under this provision shall comply with the requirements of Section 5-409 and receive APCO approval in writing at least 10 working days prior to the burn. This fire may be done on other~~

than a permissive burn day, as defined in Section 5-206, if approved by the APCO pursuant to subsection 5-409.2. (Adopted November 2, 1994)

- 401.178 **Public Exhibition:** Fires set as part of a planned civic event designed to educate or otherwise benefit the public. The fire shall be set or allowed by the public fire official having jurisdiction, in the performance of official duty. Any person seeking to set fires under this provision shall comply with the requirements of Section 5-409 and receive APCO approval in writing at least 10-working days prior to the burn. This fire may be conducted on other than a permissive burn day, as defined in Section 5-206, if approved by the APCO pursuant to subsection 5-409.2.

(Adopted November 2, 1994)

5-402 Deleted November 2, 1994

5-403 Agricultural Land Use: Debris from land clearing shall not qualify under subsections 5-401.1, 5-401.2, 5-401.3, 5-401.4 or 5-401.5 unless applicant certifies, under penalty of perjury, that said land is to remain in agricultural use for a gainful occupation for a period of one year subsequent to the burning, and that applicant has not caused or contributed to the need for the burning of the material for any reason other than the promotion of agricultural use of the land for a gainful occupation. However, the County Agricultural Commissioner may waive this Section by certifying that burning of the material under subsection 5-401.1 is, in his opinion, the only safe method of disposal. Failure to comply with the conditions of this Section shall be considered a violation of this Regulation. Each pile burned in violation shall be cited as a separate offense. (Amended November 2, 1994)

5-404 Emergency Waivers: A public officer authorized under subsections 5-401.1, 5-401.6 and 5-401.10 to grant permission for open burning may grant waivers from subsections 5-111.1 through 5-111.9 when, in his judgment, such emergency or summary action is necessary for the public safety. When such action is taken, the authorizing authority shall certify the following in a written report submitted to the APCO within 10 calendar days following the completion of burning: a description and quantity of the material burned and an explanation of the reasons for granting the permission.

(Amended November 2, 1994)

5-405 ~~Propellants, Explosives and Pyrotechnics Compliance Schedule:~~ Any person seeking to dispose of waste material within the provisions of 5-401.14 shall comply with the following:

~~405.1 By April 1, 1994 and thereafter annually submit a report to the APCO that shall contain the following information:~~

- ~~(a) Review of alternative technology for the use, treatment, and/or disposal of waste propellants, explosives and pyrotechnics, other than open burning which minimize the impact on air quality.~~
- ~~(b) Schedule and steps that have been taken and will be taken for the development and implementation of alternative use, treatment, and/or disposal methods to comply with subsection 5-401.14.~~
- ~~(c) Waste minimization efforts.~~
- ~~(d) Documentation of efforts to obtain U.S. Department of Transportation (DOT) hazard classification and approval to ship each different type of waste material, by formulation reference, that has not been previously approved for shipping. Such documentation shall be maintained on a monthly basis and be made available to the APCO upon request.~~

~~405.2 Open burning records must be maintained as per Section 5-501.~~

~~405.3 Verbal notification shall be given prior to each open burn.~~

~~405.4 By January 1, 1996, submit to the APCO an application for an Authority to Construct and submit to the California Department of Toxic Substances Control a permit application, for any on site waste treatment system equipment necessary to comply with the January 1, 1997 prohibition of waste propellant, explosives, and pyrotechnics fires pursuant to subsection 5-401.14.~~

~~405.5 The installation of an on-site waste treatment system shall be completed and in operation no later than January 1, 1997. In addition, any off-site treatment or disposal method shall be implemented no later than January 1, 1997.~~

~~(Adopted December 19, 1990; Amended November 2, 1994)~~

5-406

Prior District Notification; Disease and Pest, Crop Replacement, Orchard Pruning and Attrition, Double Cropping Stubble, Forest Management, Flood Debris, Fire Training, Flood Control, Irrigation Ditches, Range Management, Hazardous Material, and Contraband: The person setting the fire shall provide electronic, typewritten, legibly handwritten, or computer printed, facsimile or verbal notification to the District prior to the burn on a District-approved form or facsimile thereof. If notification is submitted made verbally by mail telephone, there document must be postmarked at least written confirmation of this action sent to the APCO within 5 calendar days prior to the burn. The notification form must be completely filled out with accurate information to satisfy this requirement. For structural fire training, written notification shall also be made to the APCO at least 10 working days prior to the burn pursuant to the requirements of Regulation 11-2-401.3 (Asbestos Demolition, Renovation and Manufacturing).

(Adopted December 19, 1990; Amended November 2, 1994)

5-407

Deleted November 2, 1994

5-408

Prescribed Burn Requirements: Any person who seeksing to conduct or conducts prescribed burning pursuant to Subsection 5-401.156 shall comply with the following requirements:

408.1 Submit a prescribed burn plan to the APCO for review at least 30 calendar days prior to the proposed burning that provides the following information:

- a. location and specific objectives of each proposed burn;
- b. acreage, ~~or~~ tonnage, type, and arrangement of vegetation to be burned;
- c. directions and distances to nearby sensitive receptor areas;
- d. fuel condition, combustion and meteorological prescription elements for the project;
- e. projected burn schedule and expected duration of project ignition, combustion, and burn down (hours or days);
- f. specifications for monitoring and of verifying critical parameters including meteorological conditions and smoke behavior before and during the burn;
- g. specifications for disseminating project information to public;
- h. contingency actions that will be taken during the burn to reduce exposure if smoke intrusions impact any sensitive receptor area;
- ih. certification by a qualified professional resource ecologist, biologist, or forester that the proposed burning is necessary to achieve the specific management objective(s) of the burn plan; and
- ji. smoke management plan that is consistent with the most current USEPA guidance on wildland and prescribed fires (*Interim Air Quality Policy on Wildland and Prescribed Fires*, USEPA 1998, or any subsequent document that supersedes this document).
- k. a copy of the environmental impact analysis prepared for the plan that includes an evaluation of alternatives to burning, if such an analysis was required by state or federal law or statute;
- l. project fuel loading estimate (tons vegetation/acre) by vegetation type(s) and a description of the calculation method; and
- m. particulate matter emissions estimate including referenced emission factor(s) and a description of the calculation method used.

408.2 Until June 1, 2002, pPermission to burn on other than a permissive burn day shall be governed by the 48-hour forecast issued by the APCO. Effective June 1, 2002, permission to burn shall be governed by the acreage burning allocation issued by the APCO.

- 408.3 Until June 1, 2002, pPrior to ignition, notify the APCO on the day of each burn. Effective June 1, 2002, receive an acreage burning allocation from the APCO prior to ignition.
- 408.4 For each day on which ~~After burning occurs on a given day,~~ report the total acreage and tonnage of vegetation actually burned to the APCO by telephone no later than 12:00 p.m. local time the following day.
- 408.54 Within 30 calendar days following completion of the burn project, provide a written post-burn evaluation to the APCO that addresses whether the project objectives were met and describes actual smoke behavior.~~the total acreage, volume or tonnage of vegetation actually burned.~~

Effective June 1, 2002, any fire official seeking to conduct prescribed burning in a geographical area considered for a potential naturally-ignited wildland fire managed for resource benefits that is expected to exceed 10 acres in size shall annually register each burn project in writing with the APCO by December 31 each year, with updates as they occur. Once a decision is made to manage the fire for resource benefits, the fire official shall provide a smoke management plan for the burn project to the APCO, upon request, and satisfy the fee requirements specified in Regulation 3, Schedule R.

(Adopted November 2, 1994)

5-409 Filmmaking and Public Exhibition Burn Petitions: Any person seeking to conduct a fire pursuant to Subsection 5-401.167 or 5-401.17 shall comply with the following requirements:

- 409.1 Submit an open burning petition to the APCO that provides the following information, as applicable:
- a. date(s) and specific location(s) of each proposed burn;
 - b. type and quantity (tonnage, acreage, or volume) of each material to be burned;
 - c. the projected fuel use rate in BTU per hour, if known, calculated using the higher heating value of each fuel; and
 - d. the burn duration.
- 409.2 Permission to burn on other than a permissive burn day shall be subject to written approval of the open burning petition by the APCO.
- 409.3 Prior to ignition, notify the APCO on the day of each burn.
- 409.4 If the APCO grants written approval, such approval shall be available at the burn location for inspection by the APCO, upon request.

5-410 Marsh Management Burn Requirements: Effective June 1, 2002, any person who seeks to conduct or conducts a fire pursuant to Subsection 5-401.13 shall comply with the following requirements:

- 410.1 In order to receive an acreage burning allocation, a~~At least 30 calendar days prior to the proposed burning, in order to qualify to receive an acreage burning allocation from the APCO,~~ sSubmit a smoke management plan to the APCO using a District-approved form; and
- 410.2b. In securing the written necessity statement required by California Health and Safety Code Section 41861, sSubmit to the California Department of Fish and Game (DFG) and the APCO information that for verification a written determination by the California Department of Fish and Game (DFG) of the necessity of each burn. The determination must be certified and must: (1) identifies the non-burning alternatives considered by the property owner(s) given the recommendations or needed improvements described in existing Individual Ownership Management Plans, updated Individual Ownership Adaptive Management Habitat Plans, ~~or~~ Wildlife Management Plans or other resource management plans as applicable; and (2) explains why water management practices and non-burn vegetation management practices cannot currently achieve the management objective(s) of the proposed fire and the property. Where DFG is conducting a burn on state lands, this information shall be submitted by DFG to the APCO prior to the proposed burning.~~If the APCO determines that the DFG necessity determination is~~

~~complete, the APCO shall provide written verification to DFG, and DFG may approve the fire.~~

410.3 Prior to the proposed burning, submit the written statement required by Health and Safety Code Section 41861 to the APCO:

410.42 For each day on which burning occurs, ~~Report the total acreage of vegetation actually burned to the APCO by telephone no later than 12:00 p.m. local time the following each day after burning occurs.~~

~~**5-411 Open Burning Fees:** Effective June 1, 2002, any person seeking to conduct a Marsh Management fire pursuant to Subsection 5-401.13 or a Wildland Vegetation Management fire pursuant to Subsection 5-401.15 (including any fire regulated as a Wildland Vegetation Management fire under Section 5-213) shall be subject to the fee requirements specified in Regulation 3, Schedule R.~~

5-500 MONITORING AND RECORDS

5-501 Open Burning Records: Effective June 1, 2002, ~~a~~Any person subject to Section 5-4085 or 5-410 shall comply with the following requirements:

501.1 ~~The A~~person who conducts the fire shall maintain records on a ~~daily~~ monthly basis that ~~document and verify provide the actual acreage burned.~~ Such documentation shall include the following information:

- a. ~~date and location of burn~~
- b. ~~a description of the method(s) or technique(s) used to verify the actual acreage burned amount and identification of each type of material burned, by formulation reference and the expected U.S. Department of Transportation hazard classification~~
- c. ~~data collected that supports the burn acreage determination, and wind speed and direction~~
- d. ~~type of vegetation and acreage actually burned start time and duration of burn.~~

501.2 Such records shall be retained ~~for twelve months and made available to for inspection by the APCO, upon request for 24 months.~~

501.3 ~~The open burn records shall be submitted to the APCO on a yearly basis.~~

(Adopted December 19, 1990; Amended November 2, 1994)

5-600 MANUAL OF PROCEDURES

5-601 Appraisal of Field Crop Fuel Moisture; The "Crackle" Test: Any person who wants to conduct an evaluation of fuel moisture in field crop stubble or straw remaining after harvest pursuant to subsection 5-401.5 shall satisfy the following criteria prior to burning:

601.1 Sampling: To ensure representative sampling, sample in accordance with the following requirements:

- a. obtain samples from several different areas of the field
- b. select some samples from underneath the straw mat including the bottom layer
- c. a handful of sample material is considered a sufficient size to test.

601.2 Evaluation: The field is considered dry enough to burn, or passes the "crackle" test when:

- a. each sample is tested just prior to burning
- b. each sample tested makes an audible "crackle" when it is bent sharply.
- c. If the sample does not pass the test, then the area from which the sample was selected cannot be burned until such material is considered dry enough to burn.

(Adopted November 2, 1994)